

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RELIABLE TRANSPORTATION
SPECIALISTS, INC. and AMARILD
USHE,

Plaintiffs,

CASE NO. 15-12954

vs.

HON. GEORGE CARAM STEEH

WAUSAU UNDERWRITERS
INSURANCE COMPANY,

Defendant.

_____ /

**ORDER DENYING DEFENDANT'S MOTION TO BIFURCATE
LIABILITY AND DAMAGES FOR TRIAL [ECF NO. 180]**

This matter is before the court on Wausau's motion to bifurcate liability and damages for trial. Wausau argues that there is no commonality between the facts pertinent to its liability for alleged bad faith failure to settle and potential damages, and that separating the issues for trial will avoid the prejudice that would necessarily result if the jury hears evidence relevant to damages during the liability phase of the trial.

Bifurcation is governed by Federal Rule of Civil Procedure 42(b), which grants the court discretion to determine if issues should be bifurcated for trial "[f]or convenience, to avoid prejudice, or to expedite and economize" "[O]nly one of the criteria need be met to justify bifurcation."

Saxion v. Titan-C-Mfg., 86 F.3d 553, 556 (6th Cir. 1996). As this court has previously held, “[u]ltimately, the decision whether to bifurcate is a practical one.” *K.W. Muth Co., Inc. v. Bing-Lear Mfg. Grp., L.L.C.*, No. 01-CV-71925, 2002 WL 1879943, at *3 (E.D. Mich. July 16, 2002).

The court is generally reluctant to order bifurcation and is not convinced that doing so makes sense in this case. The issue of economy as a reason to bifurcate is of even weight in this case. The possibility of not needing to conduct a trial on damages is balanced against the fact that if a damages trial is necessary, it would take longer to conduct separately than if combined in one trial with liability. As for avoiding prejudice, any potential prejudice or confusion related to evidence admissible for one purpose but not for another can be cured with a cautionary or limiting instruction.

For these reasons, Wausau’s motion to bifurcate liability and damages for trial is DENIED.

IT IS SO ORDERED.

Dated: February 13, 2019

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on February 13, 2019, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk